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TAGS: [PREL](#) [PTER](#) [MARR](#) [MASS](#) [EWWT](#) [IMO](#) [MY](#)

SUBJECT: INTERNATIONAL MARITIME ORGANIZATION KUALA LUMPUR MEETING ON
THE STRAITS OF MALACCA AND SINGAPORE, SEPTEMBER 18-20, 2006

REF: A. 05 JAKARTA 013246 (NOTAL)

[1](#)B. 06 STATE 138286 (NOTAL)

[1](#)C. 06 LONDON 6347

[1](#)D. 06 NEW DELHI 5862

[1](#)E. 06 STATE 138300

[1](#)F. 06 SINGAPORE 2900

Summary

[1](#)1. Malaysia hosted the second International Maritime Organization (IMO)-sponsored meeting on "The Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection," held September 18-20, 2006, in Kuala Lumpur. Delegations from the three littoral States (Indonesia, Malaysia and Singapore) and 28 other countries considered developments since the first meeting a year ago in Jakarta (ref A); endorsed establishment of a cooperative mechanism to facilitate implementation of six safety and environmental protection projects proposed by the littoral States; and avoided interference with ongoing efforts in military and law

enforcement channels to enhance the security of the Straits. Malaysia and Indonesia repeatedly emphasized the need to respect the sovereignty and territorial integrity of littoral states. Ambassador LaFleur and U.S. Coast Guard Vice Admiral Wurster led the U.S. delegation. Throughout the meeting, USDEL expressed support for IMO's efforts to enhance Straits security; emphasized U.S. respect for littoral states' sovereignty; and successfully bridged the need to advance both security and safety agendas against efforts, foremost by Indonesia, to prevent the meeting from discussing security. The U.S. and China expressed interest in supporting some of the six proposed projects, which will be the subject of technical meetings in December 2006 and March 2007. Singapore will likely host the third, and presumably last, meeting of this series in about a year's time. Septel will convey the full text of U.S. statements during the conference. End Summary.

U.S. Delegation

¶2. Ambassador to Malaysia Christopher J. LaFleur and USCG VADM Charles Wurster (as alternate head of delegation) led the U.S. team, which included EAP Senior Adviser Douglas Rasmussen, EAP Maritime Southeast Asia Office Director Scot Marciel, L/OES legal adviser Ashley Roach, and other representatives of EAP, USCG, Joint Staff, PACOM, PACFLT and Embassy Kuala Lumpur's Political, Economic, Defense Attache and Defense Cooperation offices. USDEL actively participated in all conference sessions. Ambassador LaFleur delivered the closing U.S. intervention, while VADM Wurster made formal presentations to sessions on cooperative efforts to maintain maritime security; exploring modalities for future cooperation; and on the prioritization of needs of projects on safety of navigation

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and environmental protection.

Indonesia and Malaysia Question IMO Role on Security

¶3. Malaysia hosted the second IMO-sponsored three-day meeting in Kuala Lumpur to address enhancing the safety, security and environmental protection of the Straits of Malacca and Singapore. (Ref A reports on the first meeting in Jakarta in September 2005.) In the run up to this second meeting it became clear that Foreign Ministry officials from Indonesia, and to some extent Malaysian officials, did not want this meeting to address enhancing the security of the Straits as this approach would "infringe on their sovereignty." Indonesian delegation leader and Foreign Ministry Director General for Legal Affairs and International Treaties Eddy Pratomo stated in his opening remarks, and later repeated in another presentation, that Indonesia prefers "to confine security cooperation within the domain of bilateral security, defense or military cooperation, and not bringing [this] agenda under any international gathering. It would prove to be [a] sensitive matter to discuss our security needs and priorities in an international setting. We believe that this kind of sensitivity also work[s] on the users side as not all of the users are readily prepared to engage with us on such activities as provision of lethal equipment, a necessary element of maritime security."

Indonesia on Maritime Security: Achieving Domain Awareness

¶4. More positively, Pratomo's introductory speech and a second presentation on the "Malacca Straits Security Initiative" provided a description of future maritime security arrangements in the Straits which parallels the U.S. view of maritime domain awareness. In his introductory remarks Pratomo said:

-- "We envision a comprehensive management of the Straits whereby all movements of ships coming either from the diamond point or Natuna Sea and exiting at either the Natuna Sea or the diamond point can be monitored through a number of stations located in certain strategic points along the Strait.... It would be an ideal situation whereby regular communication could be established between these stations and the patrol ships and aircrafts of the authorities of the littoral States and the navigating ships. This would help

enhance the direct response capability to any threats. Indeed, the most important aspect in the maritime security of the Straits is the direct response to any security disturbances on the ground as well as sharing of intelligence of an on-shore operation against those who pose threats to the security of the Straits."

Malaysia: Guard Sovereignty and Straits Security

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15. A senior Malaysia official stated that his government was not anxious to take up security issues during the Straits conference, in part because "the IMO is not the competent body to discuss multilateral security arrangements" and also because of latent sovereignty concerns. While Malaysia did not appear supportive of focusing on security as part of the formal conference agenda, Deputy Prime Minister and Defense Minister Najib Tun Razak did not shy away from the topic of security in his keynote address opening the conference. Najib described Straits security as "the highest priority" and also highlighted the sovereignty issue. Najib said, "I have repeatedly said over the years that it is ultimately for the littoral states to protect and preserve the Straits. Whilst it is important that all stakeholders and users are engaged to play their part and work together with the littoral states for this purpose, it must always be made very clear that whatever activities done must take into account the territorial integrity and sovereignty of the littoral states." Najib noted advances in littoral states' security cooperation over the past two years, particularly coordinated patrols and the "Eyes in the Sky" program. He supported capacity building for front-line enforcement agencies, deployment of new technologies, and greater information sharing and intelligence gathering across international boundaries. The Deputy Prime Minister ended his address by warning that littoral states' failure to maintain security in the Straits could lead to an erosion of their sovereignty.

Six Projects to Enhance Safety and Environmental Protection

16. The littoral states proposed six projects addressing safety and environmental protection concerns, but they did not propose security projects. USDEL supported the littorals' proposal to establish a cooperative mechanism for donors to work with the littorals to operationalize the six projects proposed to enhance the safety and environmental protection of the Straits (see below for project details). USDEL approached this result as a confidence building measure with the littoral states and as a model for cooperation that at a future point also could be applied to security-related projects. Before and during the conference, USDEL expressed support for IMO's efforts to use the conference series to find ways to strengthen the security of the Straits. Led by the IMO Secretary-General's opening address and the U.S. initial

SIPDIS presentation (septel), most of the presentations, including those of Malaysia and Indonesia, addressed the need to enhance the security of the Straits. (Note: Refs B-E report on preceding efforts to address security as well as safety and environmental protection of the Straits in the Kuala Lumpur conference.)

17. In August 2006, the littorals circulated descriptions of six projects for which they sought international assistance in enhancing

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the safety and environmental protection of the Straits. Although presented as a package from the three littorals, in fact each littoral put forward two projects, as follows:

-- Malaysia: removal of wrecks in the traffic separation scheme in the Straits, and cooperation and capacity building in hazardous and noxious substance (HNS) preparedness and response in the Straits.

-- Singapore: demonstration project of Class B AIS transponders on

small ships in the Straits, and setting up a tide, current and wind measurement system for the Straits, to enhance navigational safety and marine environment protection.

-- Indonesia: replacement and maintenance of aids to navigation (ATON) in the Straits, and replacement of aids to navigation damaged by the December 2004 Tsunami.

¶18. The U.S. expressed interest in the HNS project, replacement of damaged ATON, and tide, current and wind measurement system (septel). China stated that it was ready to undertake the project on replacement of aids to navigation destroyed by the tsunami disaster; to participate in the project on cooperation and capacity building on HNS preparedness and response; and to join in a project on setting up of a tide, current and wind measurement system for the Straits. China stated its intention to have further talks with the Tripartite Technical Experts Group (TTEG, below) on the modality and content of cooperation. China also stated to USDEL that it was interested in having early bilateral discussions with the U.S. on how to coordinate our efforts of assistance with these three projects. Japan indicated it will be conducting cost-benefit analysis of the projects to determine what assistance it may provide.

¶19. Singapore tentatively plans to host meetings of the TTEG on Safety of Navigation in December 2006 and March 2007. In conjunction with those meetings, representatives of those user states expressing an interest in supporting one or more of the six projects will be able to examine the projects in greater detail with a view to determining what concrete assistance they could provide.

A PSSA for Malacca?

¶10. During his second presentation, Indonesian delegation leader Pratomo called for another environmental profile of the Straits, last conducted by the UN and the IMO in 1999. In his view, such a profile "could be considered as an initial step to whether the Straits of Malacca can be classified as a Particularly Sensitive Sea Area (PSSA)." Pratomo did not mention what associated protective measures might follow from a PSSA designation approved by the IMO.

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The Kuala Lumpur Statement

¶11. The conference produced and adopted a formal statement, summarizing the meeting's conclusions. The Kuala Lumpur Statement is similar in many respects to that adopted at the end of the Jakarta meeting (ref A, paragraph 7). The text of the Kuala Lumpur statement is repeated below. Septel will convey the full texts of U.S. statements during the conference.

¶12. BEGIN TEXT OF KL STATEMENT ADOPTED 20 SEPTEMBER 2006:

The Government of Malaysia and the International Maritime Organization (hereinafter referred to as "IMO") convened, pursuant to the decisions of the Meeting on enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore held in Jakarta, Indonesia on 7 and 8 September 2005 (hereinafter referred to as "the Jakarta Meeting") and the twenty-third extraordinary session of the Council of the IMO in relation to the Protection of Vital Shipping Lanes, a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Kuala Lumpur from 18 to 20 September 2006 (hereinafter referred to as "the Kuala Lumpur Meeting"). The Kuala Lumpur Meeting was organized in co-operation with the Government of the Republic of Indonesia and the Government of the Republic of Singapore.

The purpose of the Kuala Lumpur Meeting was to provide an opportunity for further discussions on the recent developments relating to safety, security and environmental protection of the Straits of Malacca and Singapore (hereinafter referred to as "the

Straits") with the aim of developing mechanisms and programmes to facilitate co-operation in keeping the Straits safe and open to navigation, including the possible options for burden sharing.

The Kuala Lumpur Meeting was attended by the three littoral States: Indonesia, Malaysia and Singapore and by delegations from:

AUSTRALIA
BAHAMAS
BELGIUM
BRUNEI DARUSSALAM
CHINA
CYPRUS
DENMARK
EGYPT
FINLAND
FRANCE
GERMANY
GREECE

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INDIA
JAPAN
LIBERIA
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
PAKISTAN
PHILIPPINES
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SPAIN
SWEDEN
THAILAND
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
UNITED STATES

by observers from the following intergovernmental organizations:

ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES (IALA)
BIMCO
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL FEDERATION OF SHIPMASTER'S ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
MALACCA STRAIT COUNCIL

The Kuala Lumpur Meeting,

UPHOLDING the Batam Joint Statement, adopted on 2 August 2005 by the Fourth Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore,

RECALLING the achievements of the Jakarta Meeting and upholding also the Jakarta Statement, adopted on 8 September 2005 by the Jakarta Meeting,

RECALLING ALSO that the Straits are located within the territorial sea of Indonesia, Malaysia and Singapore (hereinafter referred to collectively as the "littoral States") and within the continental shelf and the exclusive economic zone of Malaysia and Indonesia and are straits used for international navigation as defined in the United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS"),

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RECOGNIZING the continued strategic importance of the Straits for regional and global seaborne trade and the need to ensure that they remain safe and open to shipping at all times,

RECOGNIZING ALSO the importance of enhancing safety and security and protection of the marine environment of the Straits and the possibility that unlawful acts committed therein may have negative impact on the flow of traffic there-through,

RECOGNIZING FURTHER the equally important role of the Straits in contributing towards the development and enrichment of the economies and people of other States,

AFFIRMING the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits, as provided for under international law, in particular UNCLOS, and that the primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits lies with the littoral States,

COMMENDING the sustained efforts and achievements of the Tripartite Technical Experts Group on Safety of Navigation (hereinafter referred to as "TTEG on Safety of Navigation") in enhancing safety of navigation and protection of the marine environment in the Straits,

ACKNOWLEDGING the role of the IMO, the user States, the shipping industry and of others stakeholders in co-operating with the littoral States in promoting and enhancing safety of navigation and environmental protection, and in ensuring the uninterrupted flow of traffic in the Straits,

ACKNOWLEDGING ALSO that the TTEG on Safety of Navigation is an effective mechanism for advancing future co-operation efforts among interested parties consonant with article 43 of UNCLOS,

WELCOMING the progress made in relation to the implementation of the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore developed by IMO in co-operation with the littoral States and funded by the Global Environmental Facility of the World Bank and the Republic of Korea,

COMMENDING the significant and effective efforts of the littoral States since the Jakarta Meeting in enhancing safety of navigation, environmental protection and security in the Straits, in particular to reduce the number of shipping incidents, oil spill incidents from ships, and armed robbery and other unlawful acts against ships to a very low level,

COMMENDING ALSO the significant progress, following the

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Jakarta Meeting, towards the establishment of the co-operative mechanism between littoral States and user States, the shipping industry and others to facilitate regular discussion, exchange of information and co-operation including the possible option for burden sharing for the enhancement of safety of navigation and environmental protection in the Straits,

COMMENDING FURTHER the joint efforts of the armed forces of the littoral States in contributing to the security of the Straits, through the Malacca Straits Coordinated Patrols and the "Eyes in the Sky" maritime patrols,

NOTING WITH APPRECIATION the entry into force of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (hereinafter referred to as "ReCAAP") on 4 September 2006, which will lead to the launch of the ReCAAP Information Sharing Centre (hereinafter referred to as "the Centre") in Singapore in November 2006, as well as the indication of preparedness of Indonesia and Malaysia to cooperate with the Centre,

NOTING ALSO the continuing efforts to establish the Tripartite Technical Experts Group on Maritime Security,

NOTING WITH APPRECIATION the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Straits,

NOTING ALSO that the littoral States have identified a number of projects aimed at enhancing the safety of navigation and environmental protection in the Straits for which they are seeking cooperation from user States and other stakeholders for their implementation,

DESIRING that the Straits remains safe and open to international shipping at all times, in accordance with international law, in particular UNCLOS, and where applicable domestic law, and to build upon and enhance existing cooperative arrangements and measures towards this end,

DESIRING FURTHER to continue to enhance the safety, security and environmental protection of the Straits,

HAS AGREED:

(a) that the work of the TTEG on Safety of Navigation, in enhancing the safety of navigation and in protecting the marine environment in the Straits, should continue to be supported and encouraged;

(b) to support the continuous efforts of the littoral States and the

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proposed cooperative mechanism as presented by the littoral States on safety of navigation and environmental protection, which is to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders;

(c) that the projects presented at the Kuala Lumpur Meeting for enhancing safety of navigation and environmental protection should be supported;

(d) that the littoral States, user States, the shipping industry and other stakeholders should co-operate towards the establishment of a mechanism for voluntary funding the above projects and the maintenance and renewal of the aids to navigation in the Straits;

(e) that the littoral States should continue their efforts towards enhancing maritime security in the Straits,

HAS INVITED the IMO:

(a) to continue to co-operate with the littoral States and to provide every assistance possible in attracting sponsors for the agreed projects and contributors for the maintenance, repair and replacement of the aids to navigation in the Straits;

(b) to consider, in consultation with the littoral States, convening further follow-on meetings for the littoral States to identify and prioritize specific needs, and for user States to identify possible assistance and to respond to those specific needs, which may include provision of resources, capacity building, training and technical support, with a view to promote further co-operative measures including possible options for burden sharing.

EXPRESSED DEEP APPRECIATION to the Government of Malaysia for the excellent arrangements made for, the facilities and generous hospitality provided during the Kuala Lumpur Meeting; and to the Governments of the Republic of Indonesia, Malaysia and the Republic of Singapore and the International Maritime Organization for their diligent efforts to prepare for the Kuala Lumpur Meeting and ensure its successful conclusion.

END TEXT OF KL STATEMENT.

SHEAR